DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 38 – 42 are rejected under 35 U.S.C. 102(e) as being disclosed by Kikinis

(U.S. Pat. No. 6,076,109) (Simplified File Hyper-Text Protocol).

2.1   Regarding claim 38, Kikinis discloses a client computer to enable remote

communication with an application program executing on a server computer coupled to

a data communication network, comprising:

first computer-executable program code capable of bootstrapping a session with

the server computer by transmitting the client computer's state information to said

server computer, (col. 7, lines 24 – 31 "Proxy-Server then uses this specific information

to translate HTML and other files from the Internet to a form readily usable **without**

extensive additional processing by the hand-held unit."; col. 12, lines 14 – 20 (see

below); col. 15, lines 9 – 31 (see below);Fig. 2, item 43; col. 6, lines 48 – 59

"NanoBrowser 43"; col. 7, lines 11 – 20; col. 8, lines 33 – 40 "NanoBrowser") and

if the client computer has a prior session, reestablishing the session (col.

7, lines 24 – 31; col. 12, lines 14 – 20; col. 15, lines 9 – 31);

second computer-executable program code capable of receiving a list of one or

more application programs executing on the server computer (col. 7, lines 24 – 31; col.

12, lines 14 – 20; col. 15, lines 9 – 31);

an input device capable of receiving a user's input to be transmitted to one of the

application programs executing on the server computer (col. 7, lines 24 – 31; col. 12,

lines 14 – 20; col. 15, lines 9 – 31); and

a data communictions device capable of receiving one or more drawing

primitives from the server computer, said one or more drawing primitives being capable

of rendering a graphical image (col. 7, lines 24 – 31; col. 12, lines 14 – 20; col. 15, lines

9 – 31).

col. 12, lines 14 – 20

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An advantage inherent in different embodiments of the present invention
is that future improvements in HTML, specific WEB browsing
applications, and helper applications need not be installed on the
field units used in practicing the invention. Such improvements need
only be made in the Proxy-Server. The Proxy-Server can also be updated
to do the best translation possible for such improvements.
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col. 15, lines 9 – 31

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At step 811 the control routines of the enhanced server begin to create
the best fit in multimedia content for the requested data according to
the user's device capabilities and characteristics. This process
includes step 820 wherein the system of the invention determines if a
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best fit is immediately available. If so, control goes on to step 812.
If not, in a preferred embodiment a best fit is generated and stored at
step 821, and then control passes on the step 812. In step 821 a
graphic is created having the size and resolution of the requesting
user's display, and that picture is stored for future use. If the same
user or a user having a device with the same display characteristics
later requests this picture, it may be retrieved and sent immediately
without the need for generating the best fit.


At step 812 a single file is composed using the requested information
processed according to the best multimedia fit for the user's device.
That file is then transmitted to the user at step 813. Just as
described above for other embodiments of the present invention the file
transmitted to the user is attuned exactly to the user's needs, and may
be directly displayed without heavy software overhead at the user's
device, thereby enabling the user to maintain a minimally-configured
and powered device.
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2.2   Per claim 39, Kikinis teaches the client computer of claim 38, further comprising:

a graphics subsystem capable of displaying a graphic based on the one or more

drawing primitives received from the server computer (col. 7, lines 24 – 31; col. 12, lines

14 – 20; col. 15, lines 9 – 31).

2.3   Regarding claim 40, Kikinis discloses the client computer of claim 38,

Wherein the one or more application programs includes an E-mail program, a tax

program, a financial program, or a browser program (col. 7, lines 24 – 31; col. 12, lines

14 – 20; col. 15, lines 9 – 31).

2.4   Per claims 41 – 42, the rejection of claims 38 - 40 under 35 USC 102(e)

(paragraphs 2.1 - 2.3 above) applies fully.

Response to Arguments

Applicant's arguments with respect to claims 38 – 42 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Coulter/

Primary Examiner, Art Unit 2445

/KRC/